

## SUBCOMMITTEE: --SELECT--

## HOUSE BILL NO. 1467

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Aird)

A BILL to amend and reenact § 53.1-116.1:02 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 53.1 a section numbered 53.1-31.4, relating to prisoners; obtaining certain identification documentation upon release.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 53.1-116.1:02 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 53.1 a section numbered 53.1-31.4 as follows:**

**§ 53.1-31.4. Department of Corrections-issued identification.**

A. Prior to the release or discharge of any prisoner, if the prisoner does not already possess a government-issued identification card, the Department of Corrections shall issue such prisoner a special identification card to be given to the prisoner upon his release.

B. Prior to the release or discharge of any prisoner after a period of confinement of 90 days or more, if the prisoner does not already possess an original birth certificate or a Social Security card, the Department of Corrections shall (i) provide the assistance necessary for the prisoner to apply to the appropriate state and obtain an official copy of the prisoner's birth certificate and (ii) provide the assistance necessary for the prisoner to apply to the Social Security Administration and obtain a replacement Social Security card.

C. The Department of Corrections shall establish procedures for (i) securing such special identification cards through the Department of Motor Vehicles, (ii) applying for and obtaining official copies of birth certificates or replacement Social Security cards, and (iii) forwarding such documentation if it is not obtained prior to the prisoner's release or discharge. Such procedures shall include providing,

or assisting the prisoner to provide, all paperwork necessary for such prisoner to be issued a special identification card, an official copy of the prisoner's birth certificate, or a replacement Social Security card.

D. Unless the prisoner is determined to be indigent pursuant to § 19.2-159, all costs and fees associated with obtaining the identification documentation described in this section shall be paid by the prisoner.

**§ 53.1-116.1:02. Jailer-issued identification.**

A. Prior to the release or discharge of any prisoner, if the prisoner does not already possess a government-issued identification card, the sheriff, jail superintendent, or other jail administrator ~~may~~ shall issue that prisoner a special identification card to be given to ~~the~~ such prisoner upon his release.

B. Prior to the release or discharge of any prisoner after a period of confinement of 90 days or more, if the prisoner does not already possess an original birth certificate or a Social Security card, the sheriff, jail superintendent, or other jail administrator shall offer to (i) provide the assistance necessary for the prisoner to apply to the appropriate state and obtain an official copy of the prisoner's birth certificate and (ii) provide the assistance necessary for the prisoner to apply to the Social Security Administration and obtain a replacement Social Security card.

C. The sheriff, jail superintendent, or other jail administrator ~~may~~ shall establish ~~a procedure~~ procedures for (i) securing such special identification cards through the Department of Motor Vehicles; ~~All~~, (ii) applying for and obtaining official copies of birth certificates or replacement Social Security cards, and (iii) forwarding such documentation if it is not obtained prior to the prisoner's release or discharge. Such procedures shall include an offer to provide, or to assist the prisoner with providing, all paperwork necessary for such prisoner to be issued a special identification card, an official copy of the prisoner's birth certificate, or a replacement Social Security card.

D. Unless the prisoner is determined to be indigent pursuant to § 19.2-159, all costs and fees associated with obtaining ~~such special~~ the identification ~~card~~ documentation described in this section shall be paid by the prisoner.